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COMMISSION ON NARCOTIC DRUGS ACTING AS
PREPARATORY BODY FOR THE SPECIAL SESSION
OF THE GENERAL ASSEMBLY DEVOTED TO THE
FIGHT AGAINST THE ILLICIT PRODUCTION,
SALE, DEMAND, TRAFFIC AND DISTRIBUTION
OF NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES AND RELATED ACTIVITIES
Second session
Vienna, 16-20 March 1998
Item 2 (b) of the provisional agenda*

PREPARATIONS FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY TO CONSIDER THE FIGHT AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND RELATED ACTIVITIES AND TO PROPOSE NEW STRATEGIES, METHODS, PRACTICAL ACTIVITIES AND SPECIFIC MEASURES TO STRENGTHEN INTERNATIONAL COOPERATION IN ADDRESSING THE PROBLEM OF DRUG ABUSE AND ILLICIT TRAFFICKING

CONSIDERATION OF THE REPORTS OF THE INFORMAL INTER-SESSIONAL MEETINGS OF THE COMMISSION ACTING AS PREPARATORY BODY FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY ON INTERNATIONAL DRUG CONTROL

Action plan against manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors

Addendum

*E/CN.7/1998/PC/1.

V.98-50909 (E)

Comments and proposed amendments received from Governments

1. The first informal open-ended inter-sessional meeting of the Commission on Narcotic Drugs, which was held from 7 to 9 July 1997, examined the topics of amphetamine-type stimulants and their precursors. The consensus reached at that meeting was reflected in two working papers, which were transmitted to all Governments under cover of a note verbale dated 19 August 1997. Governments were invited to make comments on elements not already included in the two working papers and to address those comments to the Secretariat before 25 September 1997.

2. The working paper on amphetamine-type stimulants and their precursors (E/CN.7/1998/PC/2) will be before the Commission acting as preparatory body for the special session of the General Assembly to be held in June 1998.

3. Comments received from Governments in response to the note verbale mentioned above are contained in the present document.

General comments

4. *Germany* and the *United States of America* have commented that the working paper, and others prepared during the preparatory process, will need to be redrafted into a common format.

Paragraph 1

5. *Sweden* has suggested that the words "in many countries" should be added to the first sentence. If amended, paragraph 1 would read:

> "The problem of amphetamine-type stimulants (ATS), though relatively new in many countries, is growing quickly and is unlikely to go away on its own. It is rapidly changing in scope and geographical spread. Yet global awareness of it is limited and responses to it are heterogeneous and inconsistent."

Proposed new paragraph to be inserted after paragraph 5

6. *Japan*, wishing to draw attention to the roles of the private sector and non-governmental organizations, has suggested an additional paragraph to be inserted after paragraph 5, to read as follows:

> "In addition to efforts by States, mobilization of the private sector and non-governmental organizations should be sought in achieving awareness of the ATS problem."

Paragraph 7

7. In line with the amendment to paragraph 1, *Sweden* has suggested that paragraph 7 should be amended to read:

> "In many countries ATS abuse is increasingly concentrated among younger segments of the population, among whom the substances are widely believed to be safe and benign. Such abuse of ATS is threatening to become a part of mainstream consumer culture."

Proposed new paragraph to be inserted after paragraph 9

8. *Japan*, drawing attention to the need for a balanced approach, has suggested an additional paragraph to be inserted after paragraph 9, to read as follows:

> "States should strengthen enforcement against illicit trafficking in and abuse of ATS."

Paragraphs 11 and 12

9. Based upon the difference between illegal information and information that is offensive, the idea that the Internet should not be monitored to determine violations of the law because neither the postal service nor the telephone network is routinely monitored for this purpose, and that users of the Internet should be enabled to protect themselves from potentially offensive material, the *United Kingdom of Great Britain and Northern Ireland* has suggested that paragraphs 11 and 12 should be re-drafted to read:

> "11. Consultations should be initiated at the national, regional and international levels, as appropriate, with representatives of the telecommunication and software industries to promote and encourage the development of frameworks based on existing law to bring about the removal of illegal drug-related information. These could be based on industry-managed open complaint mechanisms such as reporting hotlines, which allow Internet users to report instances of illegal drug-related material. Responsibility for enforcement action should, of course, remain with the police. States should also encourage the development and use of rating and filtering software, which enables users to protect themselves from material that, while not illegal, may contain offensive or undesirable information.
>
> "12. States should ensure that their existing legal frameworks regarding illegal drugs and drug-related information apply to the Internet as they do off-line."

Paragraph 16

10. *Sweden* has suggested that seizing illicit laboratories should be noted as a supply control measure against ATS. *Germany* has suggested that the supply of ATS from licit sources should be emphasized. Since the issue raised by *Sweden* is already covered in the first sentence of paragraph 16, the Secretariat proposes that the last sentence should be replaced with the following text:

> "Information furnished by Governments to the International Narcotics Control Board shows diversion of ATS from legal international trade into illicit channels and high legal consumption of ATS in some countries, indicating possible diversion from domestic distribution and/or over-prescription or irrational prescription practices."

Subparagraph 17 (d)

11. *Germany* has suggested that subparagraph 17 (d) should be made clearer in terms of establishing the act in question as a criminal offence. The Secretariat proposes that the words "of the possibility" should be deleted from subparagraph 17 (d), which would then read:

> "(d) consideration of punishing, as a criminal offence in the sense of article 3 of the 1988 Convention, the diversion of non-scheduled chemical substances with the knowledge that they are intended for use in the illicit manufacture of ATS".

Paragraph 18

12. In order to incorporate suggestions from *Sweden* on subparagraph 18 (b) and *Portugal* for a new subparagraph 18 (c), the Secretariat proposes that paragraph 18 should be redrafted to read:

> "In order to target the clandestine manufacture of ATS, international, regional and national authorities should also: (a) monitor clandestine manufacturing methods; (b) develop drug signature analysis and profiling; (c) monitor sales of laboratory equipment, in compliance with article 13 of the 1988 Convention; (d) train all enforcement and control personnel involved in the technical complexities of ATS; and (e) investigate the possibility of developing procedures for differentiating between groups of substances with closely related chemical structures and for the detection of individual substances within ATS, for use by enforcement authorities."

Proposed new paragraphs to be inserted after paragraph 18

13. *Japan* has suggested an additional paragraph to be inserted after paragraph 18, to read as follows:

> "States should strengthen their enforcement efforts against the illicit manufacture of and trafficking in ATS."

14. In order to incorporate a suggestion from *Germany*, the Secretariat proposes the addition of another paragraph following paragraph 18, to read as follows:

> "On the basis of the 1971 Convention and related Economic and Social Council resolutions, competent authorities should monitor closely developments in the licit manufacture of, trade in and distribution of ATS in order to detect and prevent: (a) diversion into illicit channels from manufacture and into international and retail trade (pharmacies); and (b) irrational marketing and prescribing of such substances, and should cooperate closely with the International Narcotics Control Board by exchanging all relevant information in accordance with the 1971 Convention and related Council resolutions."

Paragraph 19

15. *Spain* has suggested that the word "cumbersome" in the first sentence of paragraph 19 should be replaced with the word "complicated". Paragraph 19 would then read:

> "When applied to clandestinely manufactured ATS, the international drug control system reveals several shortcomings, *inter alia*: the complicated procedure for scheduling psychotropic substances, the relative novelty of the precursor control regime and the different procedures for changing the scope of control in the international drug control conventions. Effectively counteracting or preventing emergency situations, which may differ from region to region, requires a control system that is fast, flexible, easy to adapt to new situations and both technically and conceptually commensurate with the ever-greater complexity of the evolving ATS problem."

Subparagraph 20 (a)

16. *Spain* has also suggested that the word "particularly" should be deleted from paragraph 20 (a) and the word "consideration" should be replaced with the word "application". Subparagraph 20 (a) would then read:

> "(a) Improve the technical basis of control with regard to increasing the flexibility of the process of scheduling. This would involve application of one of the following models used in different countries:

(i) emergency or simplified scheduling processes; (ii) scheduling based on structurally similar groups (analogues); and (iii) control for purposes of criminal prosecution, based on similarities in chemical structure and known or anticipated pharmacological effects".

Subparagraph 20 (b)

17. *Japan* has suggested that the words "which should be close to those applied to the major narcotic drugs" should be added at the end of subparagraph 20 (b), in order to make it consistent with the original recommendation of the expert meeting held at Shanghai.

Subparagraph 20 (c)

18. *The Netherlands*, observing that the present version of paragraph 20 (c) exceeded current treaty obligations and was not in conformity with their national legislation, suggested that the subparagraph should be amended to read:

"Introduce, in compliance with article 22 of the 1971 Convention and article 3 of the 1988 Convention, appropriate sanctions and penalties for the illicit manufacture of, trafficking in and abuse of ATS, including civil fines and administrative penalties, and introduce appropriate penalties or alternative measures against the abuse of ATS, consistent with national laws and policies."

Subparagraph 20 (d)

19. *Sweden* has suggested that subparagraph 20 (d) should become subparagraph 20 (a), since the identification and assessment of new ATS should precede the scheduling process.